

REMARKS

Claims 1-4, 6-32, and 34-59 are now pending in the application. Claims 5 and 33 have been cancelled herein. Claims 11-26, 32, and 39-54 stand withdrawn. Claim 59 has been added herein and is readable upon the elected species Lawn Mower Controls 1: Figs. 2A-B. Claim 1 has been amended herein to essentially include the limitations of original Claim 5 and to recite the enabled operation of the mower. Claims 27 and 28 have been amended herein to be in independent form. Support for the additional limitation to Claim 27 can be found at least in Figures 2A and 2B. Support for the additional limitation in Claim 28 can be found at least in Paragraphs [0049] and [00050] in the specification. Claim 30 has been amended herein to essentially include the limitations of original Claim 33. Claim 58 has been amended herein. No new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-10, 27-31, 33-38 and 55-58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. (U.S. Pat. No. 5,249,422). This rejection is respectfully traversed.

Claim 1, as amended, calls for “a first controller . . . operation of the first controller causes the first wheel to rotate . . . a second controller . . . operation of the second controller causes the second wheel to rotate . . . wherein the first and second controllers enable operation of the mower in any of the group of forward, reverse, left turn, and right turn.” Similarly, both Claims 30 and 58 call for “first and second

controllers . . . operation of the first and second controllers causes the respective first and second wheels to propel and steer the mower.” Also similarly, new Claim 59 calls for “a first controller . . . operation of the first controller causes the first wheel to rotate . . . a second controller . . . operation of the second controller causes the second wheel to rotate . . . wherein operation of the first and second controllers causes the at least two wheels to propel and steer the mower.” It is respectfully submitted that the Smith et al. reference fails to anticipate a mower which can be driven with the two (2) controllers recited in Claims 1, 30, 58 and 59. The Smith et al. reference at best discloses the use of three (3) separate controllers (left steering pedal 28a, right steering pedal 28b, and control lever (S/D lever) 32) to enable operation of the work vehicle. The use of three separate controllers to propel and steer the work vehicle is not the same as the use of first and second controllers as called for in Claims 1, 30, 58 and 59. Accordingly, it is respectfully submitted that the limitations in Claims 1, 30, 58 and 59 are not anticipated by the Smith et al. reference and are patentable over the prior art of record. Claims 2-4, 6-10, and 29 all depend from Claim 1, and therefore, for at least the reasons stated above with reference to Claim 1 are also patentable over the prior art of record. Claims 31, 34-38, and 55-57 all depend from Claim 30 and, therefore, for at least the reasons stated above with reference to Claim 30 are also patentable over the prior art of record. Accordingly, withdrawal of the instant rejection is requested.

Referring now to Claims 6 and 34, both these claims call for “movement of the first controller toward the first position causes the first wheel to rotate in a direction that corresponds to propelling the mower in a forward direction and movement of the first controller toward the reverse position causing the first wheel to rotate in a direction that

corresponds to propelling the mower in a backward direction” and “movement of the second controller toward the forward position causing the second wheel to rotate in a direction that corresponds to propelling the mower in a forward direction and movement of the second controller toward the reverse position causing the second wheel to rotate in a direction that corresponds to propelling the mower in a backward direction.” It is respectfully submitted that the Smith et al. reference fails to anticipate a mower with first and second controllers that cause the respective first and second wheels to move in a respective forward and backward direction based upon the positions of the respective first and second controllers. The Smith et al. reference at best discloses the use of three (3) separate controllers (left and right steering pedals 28a, 28b that provide steering signals to a microprocessor and a S/D lever 32 that provides desired speed and direction signals to the microprocessor) to enable operation of the work vehicle. Therefore, it is respectfully submitted that the Smith et al. reference does not disclose nor teach the limitations recited in Claims 6 and 34 and that Claims 6 and 34 are patentable over the prior art of record.

Referring now to Claim 27, Claim 27 has been amended to be in independent form and calls for “a biasing switch on the at least one controller.” The Office Action equates the three-position adjusting switch 62 as being equivalent to the biasing switch. The Smith et al. reference, however, does not disclose the location of switch 62 relative to the controllers. With the Smith et al. reference being silent about the location of switch 62 relative to a controller, there is no teaching, suggestion or motivation provided to have the switch 62 on the at least one controller as called for in Claim 27. Thus, for

at least this reason it is respectfully submitted that Claim 27 is not anticipated by the Smith et al. reference and is patentable over the prior art of record.

Referring now to Claim 28, Claim 28 has been amended to be in independent form and calls for "a mode switch . . . operable between a work position and a transport position to adjust the operation of the at least two wheels" and "the microprocessor operating the mower in a normal mode when the mode switch is in the work position and reducing a rate at which the at least two wheels steer the mower when the mode switch is in the transport mode by reducing a sensitivity to a steering input from the at least one controller so that the mower can safely turn during high speed operation." It is respectfully submitted the Smith et al. reference does not disclose the use of a switch to change between a normal operation and a transport mode wherein the rate at which the at least two wheels steer the mower is reduced by reducing the sensitivity to a steering input from the at least one controller as called for in Claim 28. Thus, with this limitation missing from the Smith et al. reference, it is respectfully submitted that Claim 28 is not anticipated by the Smith et al. reference and is patentable over the prior art of record.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants' representative therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully

requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 13, 2003

By: 

Joseph M. Lafata, Reg. No. 37,166
Jeffrey H. Urian, Reg. 46,232

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

JML/JHU/ps